CBS RADIO
BROADCAST HD STREAMING ON-DEMAND
ESTABLISHED 1928

Stephen Hildebrandt
SVP Business Affairs &
Deputy General Counsel

September 20, 2006

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S. W.
Room TW-B204
Washington, D.C. 20554

Re: Written *Ex Parte* Submission of CBS Radio Inc.
MM Docket No. 99-325

Dear Ms. Dortch:

CBS Radio Inc. ("CBS Radio") resubmits the attached *ex parte* letter initially submitted to the Commission via ECFS on August 18, 2006, in the above-referenced docket. CBS Radio recently learned that its initial submission was apparently never received by the Commission.

Should there be any questions concerning this matter, please contact the undersigned counsel to CBS Radio.

Respectfully submitted,

Stephen A. Hildebrandt
Vice President

Attachment

Cc: Peter Tannenwald, Esq.
Counsel to The Livingston Radio Company and Taxi Productions, Inc.

c/o Leventhal, Senter & Lerman 2000 K Street NW, Suite 600 Washington, DC 20007 T: 202.416.1087 F: 202.293.7783 shildebrandt@lsl-law.com
www.cbsradio.com

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445 12th Street, SW
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Re: Written *Ex Parte* Submission of CBS Radio Inc.
MM Docket No. 99-325

Dear Ms. Dortch:

CBS Radio Inc. ("CBS Radio") submits the following letter in opposition to comments jointly filed by The Livingston Radio Company ("Livingston") and Taxi Productions, Inc. ("Taxi") on June 16, 2004, and to subsequent related *ex parte* communications submitted by Livingston, in the above-reference docket. In the joint comments and *ex parte* communications, Livingston and Taxi urge the Commission to end the grandfathered status of "superpower" FM stations following the transition from analog to digital FM operations. The parties claim that superpower digital operations pose a greatly increased potential of interference to so-called "victim" stations operating on first-adjacent channels to superpower stations. To eliminate this perceived risk, Livingston and Taxi propose that the Commission eliminate the grandfathered superpower status of certain Class B FM stations or, as later suggested by Livingston, give these superpower stations the "choice" of either operating digitally within their class limits or refraining from digital operations until prepared to do so.

CBS Radio believes that the Livingston and Taxi proposal should be dismissed on both procedural and substantive grounds. Procedurally, the proposal is clearly misplaced, as the issue of eliminating the grandfathered status of the superpower FM stations was not raised by the Commission in MM Docket No. 99-325. The drastic rule changes proposed by Livingston and Taxi cannot be adopted without first providing interested parties with adequate notice and opportunity to comment pursuant to Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. Because the required notice is missing here, the proposal is not properly before the public and should be dismissed.

In addition to its procedural defects, the Livingston and Taxi proposal is unsupported substantively. The parties assert that superpower FM operations will claim 189 first-adjacent channel "victim" stations, but the risk from such operations to CBS

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Radio stations included within that group is effectively non-existent. In the attached study, E. Glynn Walden, Senior Vice President of Engineering for CBS Radio, examined the effects of digital superpower operations on eight potential "victim" stations of CBS Radio. Mr. Walden determined that there is no predicted interference from digital superpower operations within the protected contours of seven of these stations, and only minor interference within the protected contour of the eighth station, and then only in an isolated area where reception of the "victim" station is limited in any event due to terrain effects. Mr. Walden concludes that, contrary to what Livingston and Taxi would have the Commission believe, digital operations by superpower stations will not increase interference within the protected coverage areas of the CBS Radio stations studied – a conclusion borne out by the fact that actual digital operations by three of the superpower stations included in the study (WRVQ(FM), Richmond; WOMC(FM), Detroit; and KITS(FM), San Francisco) have not resulted in any reported interference to the analog reception of CBS Radio's first-adjacent channel stations.

Livingston and Taxi's concerns regarding superpower FM operations are, from CBS Radio's perspective, unrealistic and without any demonstrated basis in fact. Accordingly, CBS Radio urges the Commission to reject their procedurally defective and substantively unfounded proposal.

Respectfully submitted,

Stephen A. Hildebrandt
Vice President

Attachment

CERTIFICATE OF SERVICE

I, Karen Green, hereby certify that a true and correct copy of the foregoing letter (with attachment) of CBS Radio Inc. was sent by first-class, postage prepaid mail, this 18th day of August, 2006, to the following:

Peter Tannenwald, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Suite 200
Washington, DC 20036-3101
Counsel to The Livingston Radio Company & Taxi Productions, Inc.

Karen Green

The Effects of Adding HD Radio To The Grandfathered Super B Facilities

E. Glynn Walden
CBS Radio, New York, NY

This study looks at the effects of interference from FCC licensed "Super B" facilities to CBS Radio Stations operating on first adjacent channels using Radiosoft's Longley – Rice prediction tools. The purpose of this study was to determine whether first adjacent Super B facilities converting to digital broadcasts using iBiquity Digital Corporation's HD Radio system would cause harmful interference to the analog broadcasts on CBS Radio stations. The study concludes that the introduction of digital broadcasts on the Super B stations will not increase interference within the protected coverage areas of the CBS Radio stations studied.

Tests conducted by iBiquity Digital Corporation and submitted to the National Radio Systems Committee (NRSC)[1] and the FCC have shown that HD Radio carriers have a "minimal impact" on analog broadcasts of first adjacent channel stations, particularly within the analog station's protected contour. The impact from the digital carriers increases as the signal level of the interferer approaches and exceeds the analog signal level of the first adjacent desired station. For purposes of this study it is assumed that areas receiving analog signals 6 dB or greater than the interfering HD Radio transmission are not impacted.

The following table lists CBS Radio stations that were studied to determine their susceptibility to interference from first adjacent Super B facilities transmitting HD Radio carriers:

CBS Radio Station (Victim)		Interfering Digital Super B		Distance	Interference Received	
Call Letters	Channel	Call Letters	Channel		Within Protected Contour	Outside Protected Contour
WARW[2]	234B	WRVQ	233	126 KM	No	No
KZZO	263B	KBRG	262	182 KM	No	No
WQAL[3]	281B	WOMC	282	167.5 KM	No	No
WJMK	282B	WVGR	281	197 KM	No	No
WOMC	282B	WVGR	281	198 KM	No	No
KNCI[4]	286B	KITS	287	158 KM	No	No
WCKG	290B	WOOD-F	289	197 KM	No	No
KXFG	225A	KCBS-F	226	111 KM	Minor[5]	Yes

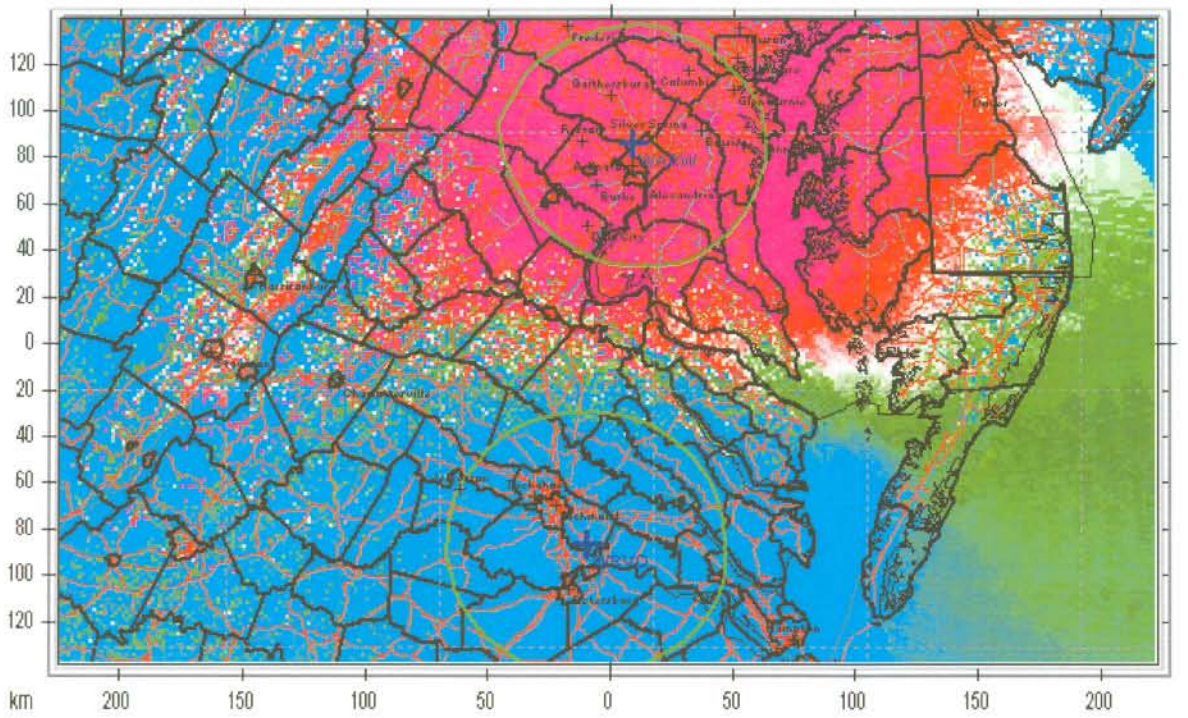
[1] **FM IBOC Laboratory and Field Testing, iBiquity Digital Corporation, August 2001**
[2] **WRVQ has converted to HD Radio with no effect on WARW's analog reception**
[3] **WOMC began full time HD Radio operations in July of 2004, to date there have been no reports of interference from WOMC to WQAL's analog reception.**
[4] **KITS converted to full time HD Radio operation 11/1/2005 without any reported interference to KNCI's analog reception**
[5] **A small amount of interference is predicted near the FCC's protected contour. An examination of Longley-Rice predicted signal levels shows that terrain obstructions have limited the signal to less than 35 dBu. Thus terrain, not the digital carriers of KCBS, is the limiting factor in the reception of KFXG.**

The maps depict the predicted effects of Super B interfering signals on CBS Radio's analog operations. The areas in blue are where the Super B interfering signal is stronger and the areas in red depict stronger signals for the victim station. . The areas in light pink, white, green and blue are where high performance car radios are predicted to receive interference, lower quality boombox, table, and Home Hi-Fi radios will experience a lesser change in reception, as they are limited by existing analog interference. The green circle represents the FCC's protected contour.

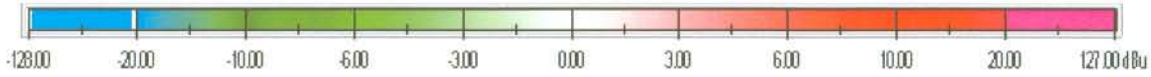
The undersigned hereby declares under penalty of perjury that the foregoing statements and attached charts are true and correct.

E. Glynn Walden
Senior Vice President for Engineering
CBS Radio Inc.

WARW Interference from WRVQ



Areas of expected interference are depicted by colors to left of light pink

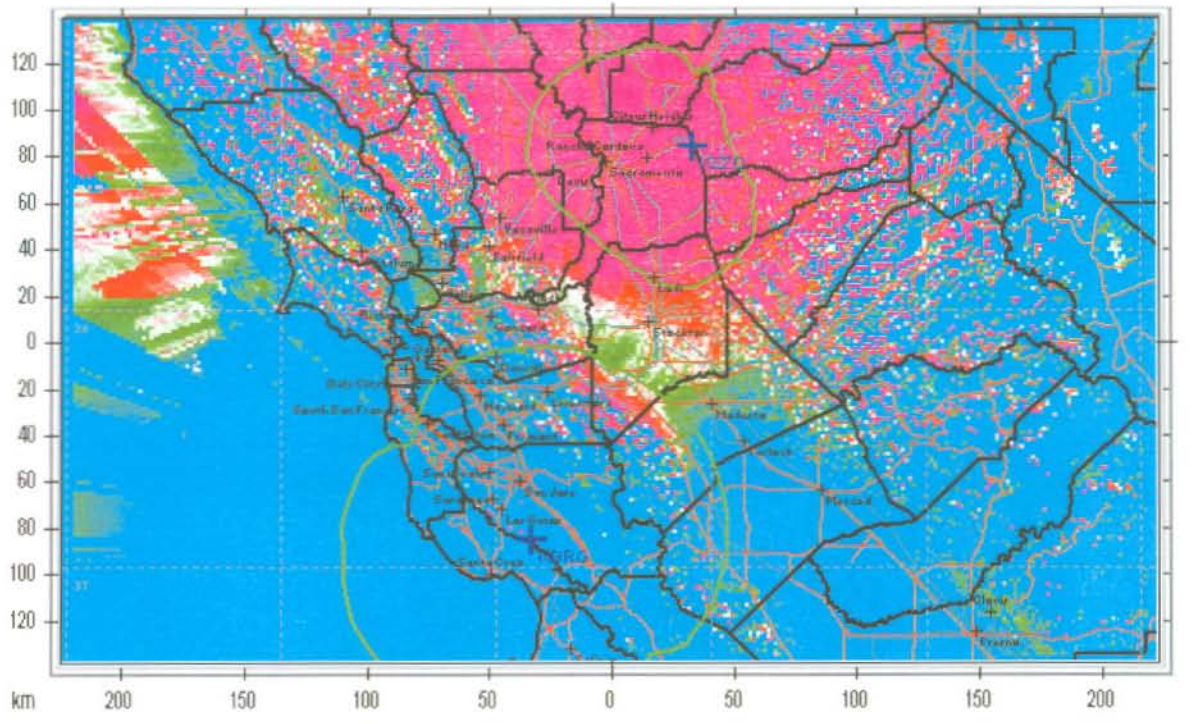


County Borders State Borders Highways Railroads Lat/Lon Grid

Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

KZZO Interference from KBRG



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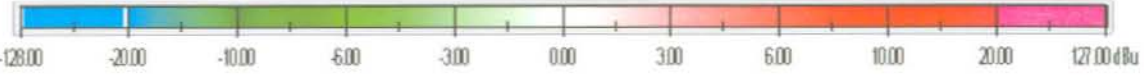

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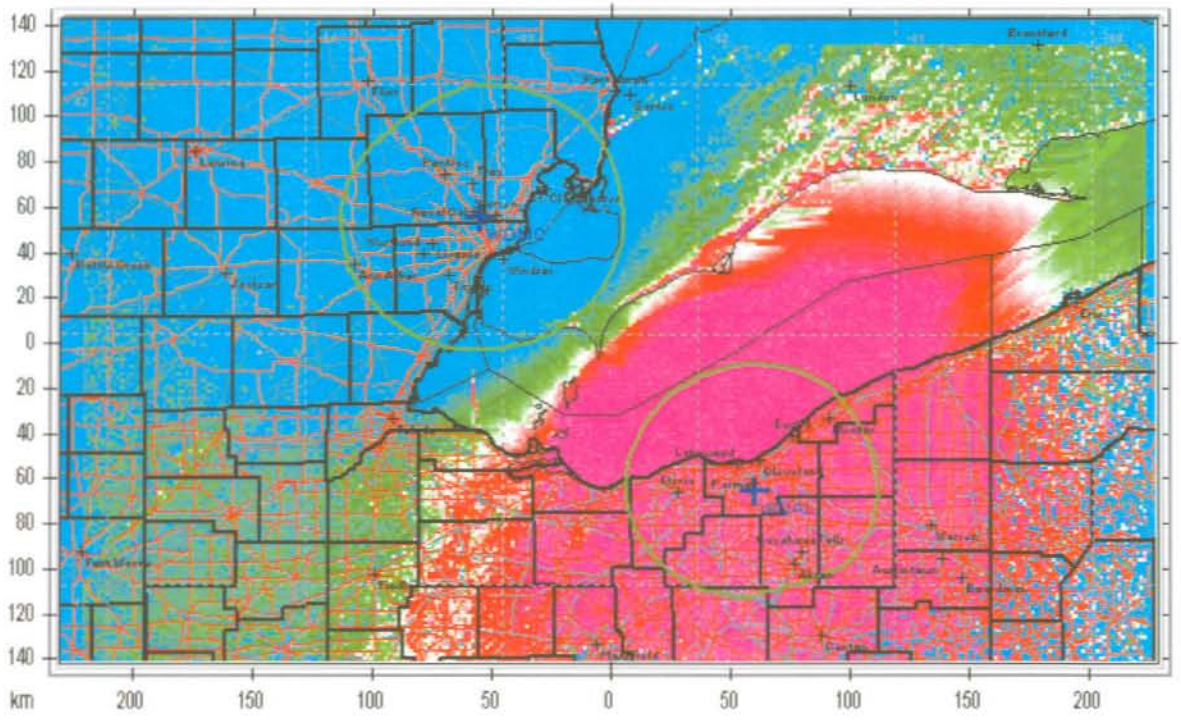
Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

WQAL Interference from WOMC



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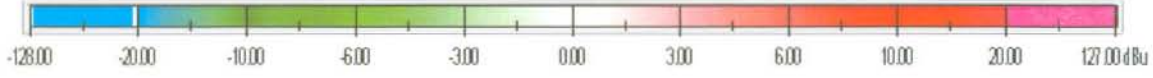
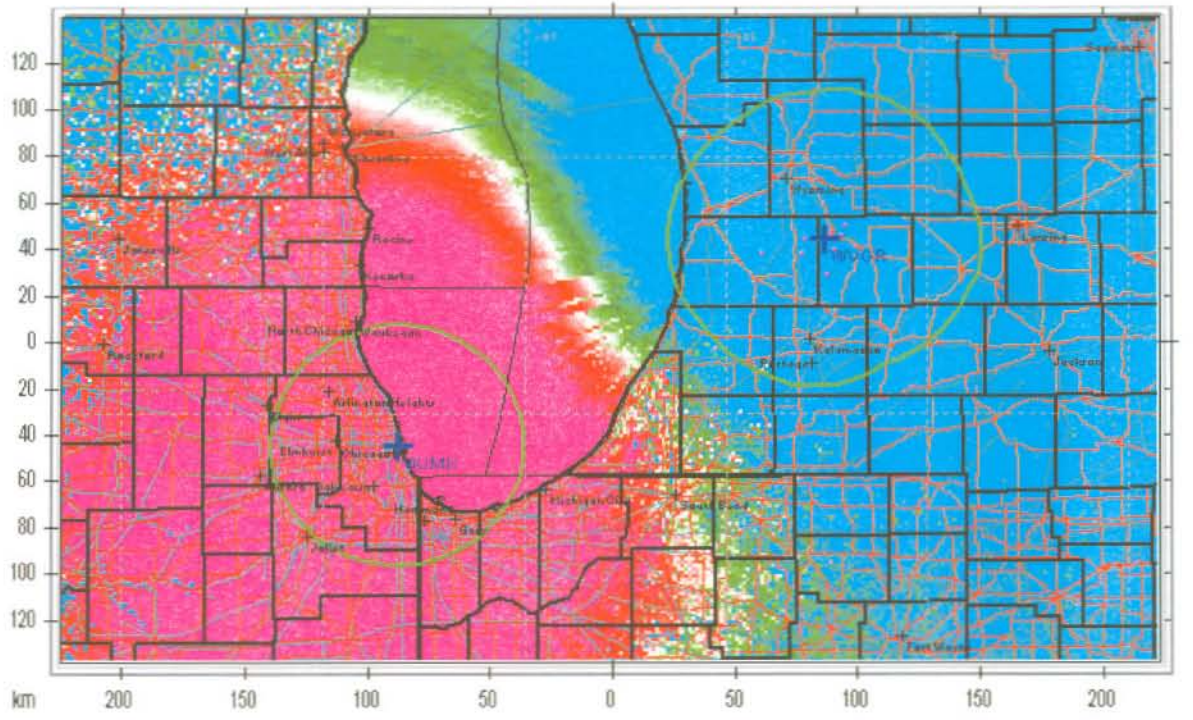


County Borders State Borders Highways Railroads Lat/Lon Grid

Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

WJMK Interference from WVGR



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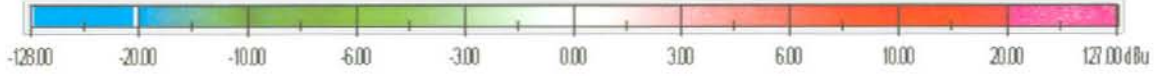
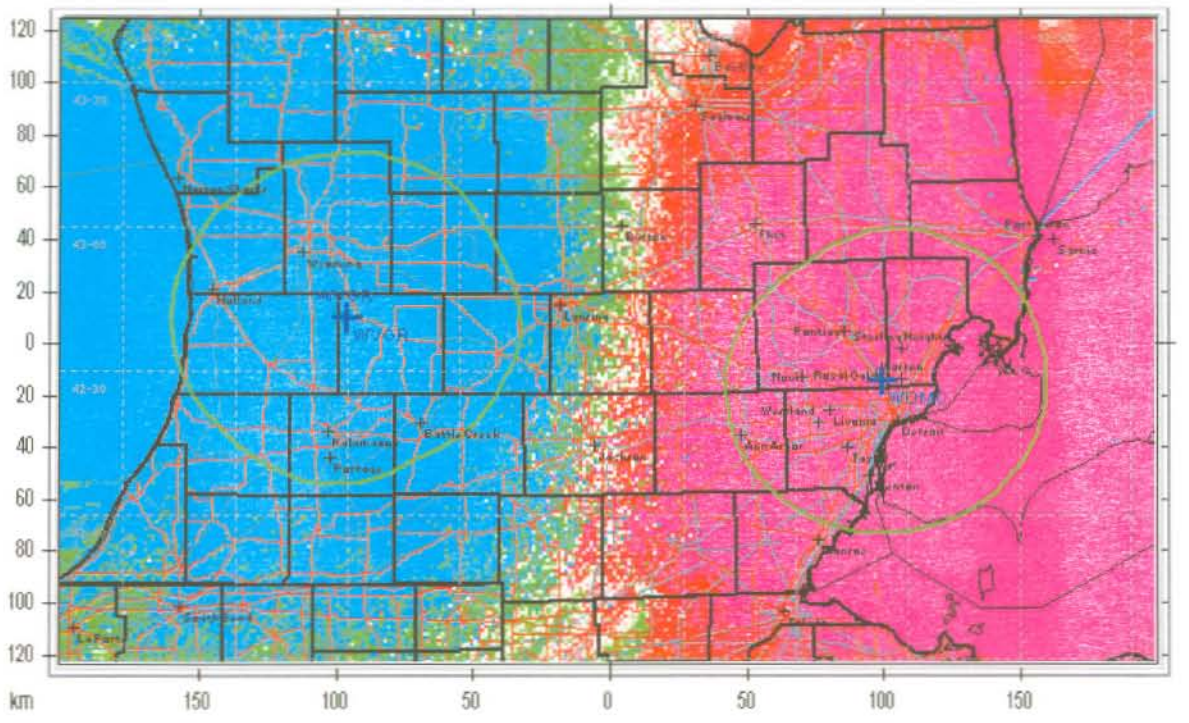


County Borders State Borders Highways Railroads Lat/Lon Grid

Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

WOMC Interference from WVGR



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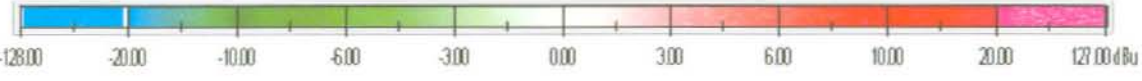
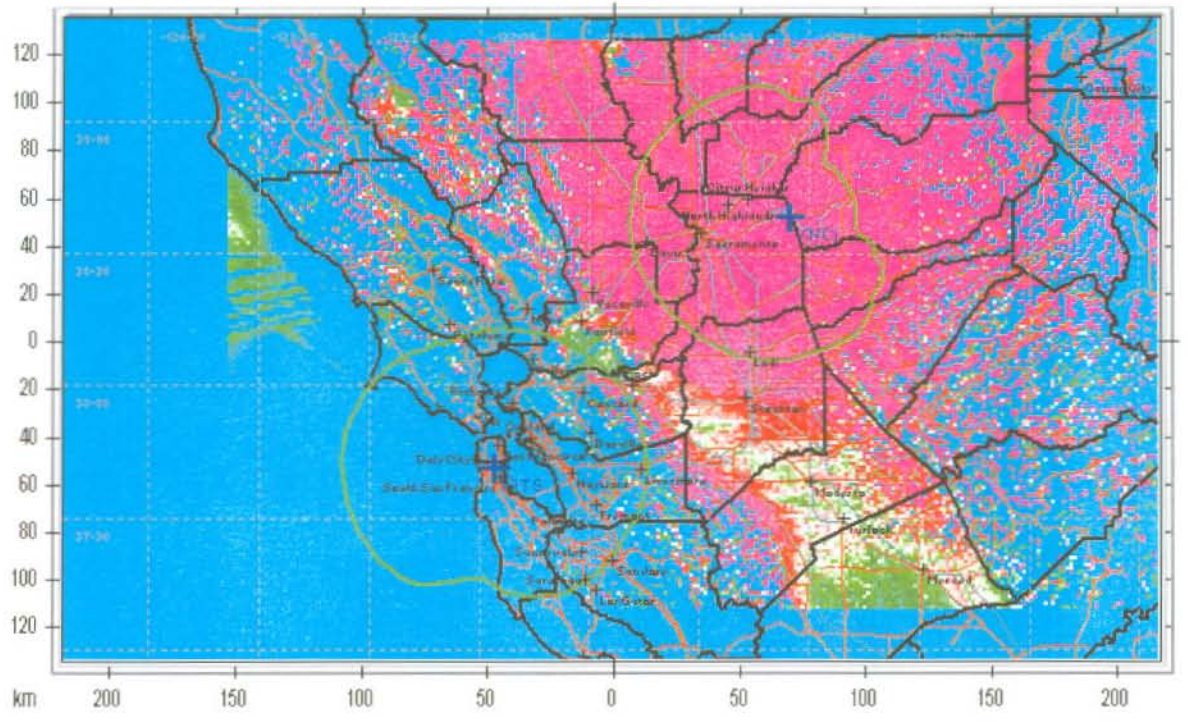


County Borders State Borders Highways Railroads Lat/Lon Grid

Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

KNC1 Interference from KITS



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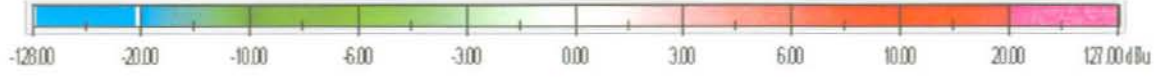

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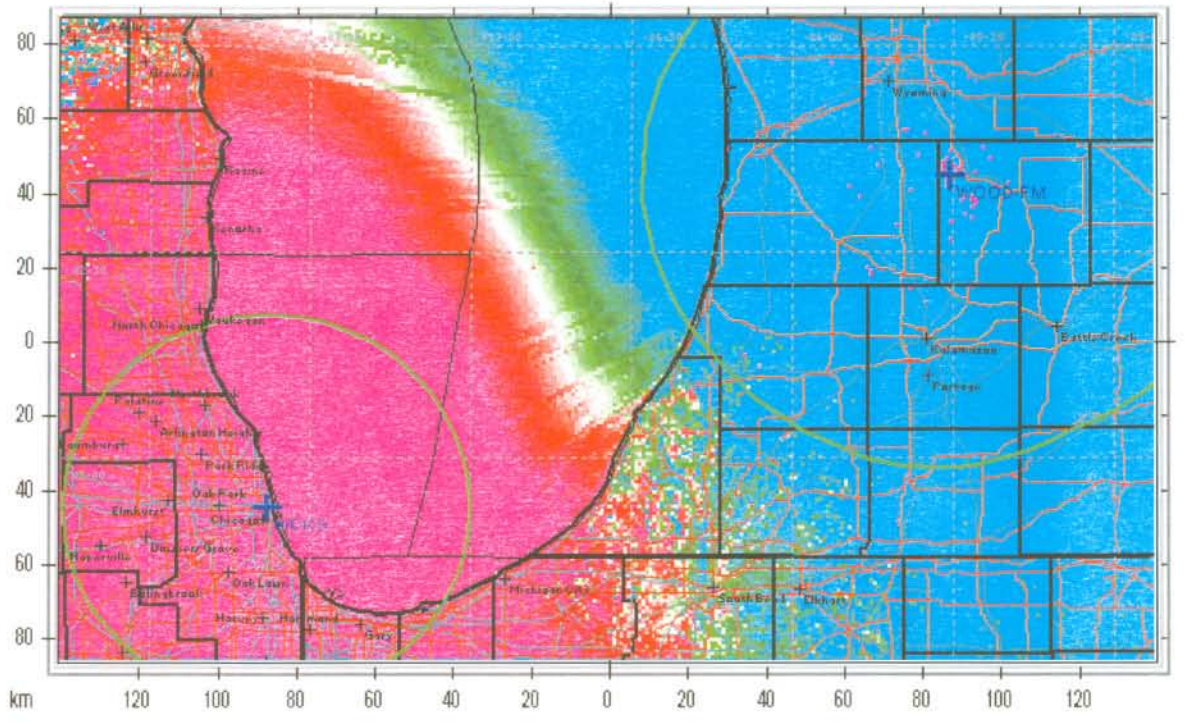
Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

WCKG Interference from WOOD-FM



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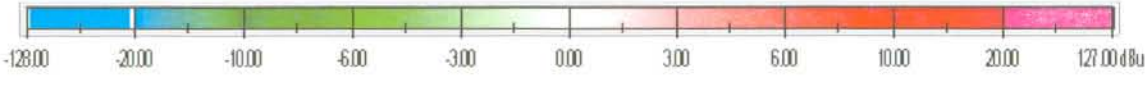

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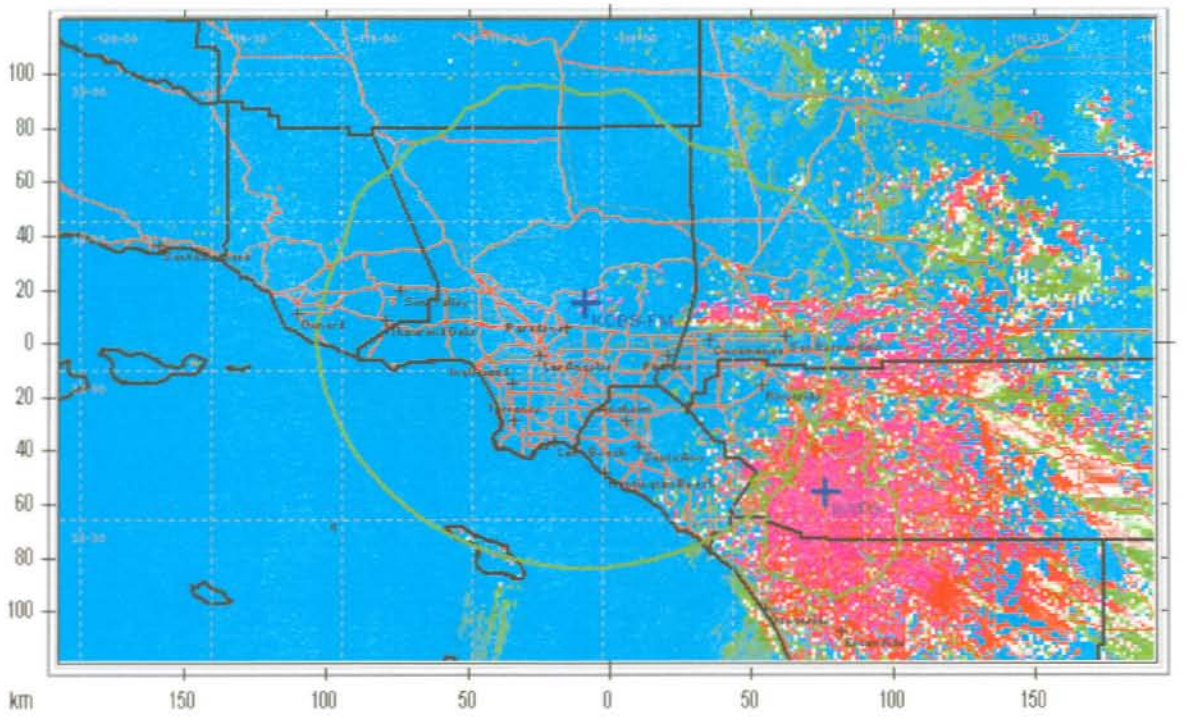
Longley-Rice 90-90, Receive Height 2 Meters

CBS Radio Engineering, NYC, 7/2006

KXFG Interference from KCBS FM



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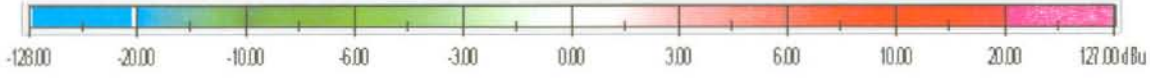

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